

House File 2280 - Introduced

HOUSE FILE 2280

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 604)

A BILL FOR

1 An Act providing for the treatment of animals other than
2 agricultural animals, by providing for regulation of
3 commercial establishments, providing for reporting of
4 threatened animals, providing for fees, providing penalties,
5 and including effective date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 162.1, Code 2009, is amended to read as
2 follows:

3 **162.1 Policy Purpose and scope.**

4 1. The purpose of this chapter is to do all of the
5 following:

6 1. a. ~~To insure~~ Insure that all dogs and cats handled by
7 ~~boarding kennels, commercial kennels, commercial breeders,~~
8 ~~dealers, and public auctions~~ commercial establishments are
9 provided with humane care and treatment by regulating.

10 b. Regulate the transportation, sale, purchase, housing,
11 care, handling, and treatment of ~~such animals~~ dogs and cats by
12 persons ~~or organizations~~ engaged in transporting, buying, or
13 selling them and to provide.

14 c. Provide that all vertebrate animals consigned to pet
15 shops are provided humane care and treatment by regulating the
16 transportation, sale, purchase, housing, care, handling, and
17 treatment of such animals by pet shops.

18 2. d. ~~To authorize~~ Authorize the sale, trade, or adoption
19 of only those animals which appear to be free of infectious or
20 communicable disease.

21 3. e. ~~To protect~~ Protect the public from zoonotic disease.

22 2. This chapter does not apply to livestock as defined
23 in section 717.1 or any other agricultural animal used in
24 agricultural production as provided in chapter 717A.

25 Sec. 2. Section 162.2, Code Supplement 2009, is amended by
26 adding the following new subsections:

27 NEW SUBSECTION. 4A. "Animal Welfare Act" means the
28 federal Animal Welfare Act, 7 U.S.C. ch. 54, and regulations
29 promulgated by the United States department of agriculture and
30 published in 9 C.F.R. ch. 1.

31 NEW SUBSECTION. 4B. "Authorization" means a state license,
32 certificate of registration, or permit issued or renewed by the
33 department to a commercial establishment as provided in section
34 162.2A.

35 NEW SUBSECTION. 6A. "Commercial establishment" or

1 *"establishment"* means an animal shelter, boarding kennel,
2 commercial breeder, commercial kennel, dealer, pet shop, pound,
3 public auction, or research facility.

4 NEW SUBSECTION. 8A. *"Department"* means the department of
5 agriculture and land stewardship.

6 NEW SUBSECTION. 9A. *"Federal license"* means a license
7 issued by the United States department of agriculture to a
8 person classified as a dealer or exhibitor pursuant to the
9 federal Animal Welfare Act.

10 NEW SUBSECTION. 9B. *"Federal licensee"* means a person to
11 whom a federal license as a dealer or exhibitor is issued.

12 NEW SUBSECTION. 10A. *"Permittee"* means a commercial
13 breeder, dealer, or public auction to whom a permit is issued
14 by the department as a federal licensee pursuant to section
15 162.2A.

16 NEW SUBSECTION. 15A. *"Registrant"* means a pound, animal
17 shelter, or research facility to whom a certificate of
18 registration is issued by the department pursuant to section
19 162.2A.

20 NEW SUBSECTION. 16A. *"State fiscal year"* means the fiscal
21 year described in section 3.12.

22 NEW SUBSECTION. 16B. *"State licensee"* means any of the
23 following:

24 a. A boarding kennel, commercial kennel, or pet shop to whom
25 a state license is issued by the department pursuant to section
26 162.2A.

27 b. A commercial breeder, dealer, or public auction to whom
28 a state license is issued in lieu of a permit by the department
29 pursuant to section 162.2A.

30 Sec. 3. Section 162.2, subsection 13, Code Supplement 2009,
31 is amended to read as follows:

32 13. *"Pound" or "dog pound"* means a facility for the
33 prevention of cruelty to animals operated by the state, a
34 municipal corporation, or other political subdivision of the
35 state for the purpose of impounding or harboring seized stray,

1 homeless, abandoned or unwanted dogs, cats or other animals; or
2 a facility operated for such a purpose under a contract with
3 any municipal corporation or incorporated society.

4 Sec. 4. NEW SECTION. 162.2A Application, issuance, and
5 renewal of authorizations.

6 1. The department shall provide for the operation
7 of a commercial establishment by issuing or renewing an
8 authorization, including any of the following:

9 a. A certificate of registration for a pound, animal,
10 shelter, or research facility.

11 b. A state license for a boarding kennel, commercial kennel,
12 or pet shop.

13 c. A state license or permit for a commercial breeder,
14 dealer, or public auction. A federal licensee must apply for
15 and be issued either a permit or a state license in lieu of a
16 permit.

17 2. A person must be issued a separate state license,
18 certificate of registration, or permit for each commercial
19 establishment owned or operated by the person.

20 3. A person must apply for the issuance or renewal of an
21 authorization on forms and according to procedures required by
22 rules adopted by the department. The application shall contain
23 information required by the department, including but not
24 limited to all of the following:

25 a. The person's name.

26 b. The person's principal office or place of business.

27 c. The name, address, and type of establishment covered by
28 the authorization.

29 d. The beginning and end of the person's fiscal year.

30 4. The authorization expires on an annual basis as
31 provided by the department, and must be renewed by the
32 commercial establishment on an annual basis on or before the
33 authorization's expiration date.

34 5. a. A commercial establishment applying for the issuance
35 or renewal of a permit shall provide the department with proof

1 that the person is a federal licensee.

2 **b.** The department shall not require that it must enter onto
3 the premises of a commercial establishment in order to issue a
4 permit. The department shall not require that it must enter
5 onto the premises of a commercial establishment in order to
6 renew a permit, unless it has reasonable cause to monitor the
7 commercial establishment as provided in section 162.10C.

8 **Sec. 5. NEW SECTION. 162.2B Fees.**

9 The department shall establish, assess, and collect fees as
10 provided in this section.

11 1. A commercial establishment shall pay authorization fees
12 to the department for the issuance or renewal of a certificate
13 of registration, state license, or permit.

14 **a.** For the issuance or renewal of a certificate of
15 registration, seventy-five dollars.

16 **b.** For the issuance or renewal of a state license or permit,
17 one hundred seventy-five dollars. However, a commercial
18 breeder who owns, keeps, breeds, or transports a greyhound dog
19 for pari-mutuel wagering at a racetrack as provided in chapter
20 99D shall pay a different fee for the issuance or renewal of a
21 state license as provided in rules adopted by the department.

22 2. The department shall retain all fees that it collects
23 under this section for the exclusive purpose of administering
24 and enforcing the provisions of this chapter. The fees shall
25 be considered repayment receipts as defined in section 8.2.
26 The general assembly shall appropriate moneys to the department
27 each state fiscal year necessary for the administration and
28 enforcement of this chapter.

29 **Sec. 6.** Section 162.3, Code 2009, is amended by striking the
30 section and inserting in lieu thereof the following:

31 **162.3 Operation of a pound — certificate of registration.**

32 A pound shall only operate pursuant to a certificate of
33 registration issued or renewed by the department as provided
34 in section 162.2A. A pound may sell dogs or cats under its
35 control, if sales are allowed by the department. The pound

1 shall maintain records as required by the department in order
2 for the department to ensure the pound's compliance with the
3 provisions of this chapter.

4 Sec. 7. Section 162.4, Code 2009, is amended by striking the
5 section and inserting in lieu thereof the following:

6 **162.4 Operation of an animal shelter — certificate of**
7 **registration.**

8 An animal shelter shall only operate pursuant to a
9 certificate of registration issued or renewed by the department
10 as provided in section 162.2A. An animal shelter may sell dogs
11 or cats if sales are allowed by the department. The animal
12 shelter facility shall maintain records as required by the
13 department in order for the department to ensure the animal
14 shelter's compliance with the provisions of this chapter.

15 Sec. 8. NEW SECTION. **162.4A Operation of a research**
16 **facility — certificate of registration.**

17 A research facility shall only operate pursuant to a
18 certificate of registration issued by the department as
19 provided in section 162.2A. The research facility shall
20 maintain records as required by the department in order for the
21 department to ensure the research facility's compliance with
22 the provisions of this chapter. A research facility shall not
23 purchase a dog or cat from a commercial establishment that does
24 not have a valid authorization issued or renewed under this
25 chapter or a similar authorization issued or renewed by another
26 state.

27 Sec. 9. Section 162.5, Code 2009, is amended by striking the
28 section and inserting in lieu thereof the following:

29 **162.5 Operation of a pet shop — state license.**

30 A pet shop shall only operate pursuant to a state license
31 issued or renewed by the department pursuant to section
32 162.2A. The pet shop shall maintain records as required by the
33 department in order for the department to ensure the pet shop's
34 compliance with the provisions of this chapter. A pet shop
35 shall not purchase a dog or cat from a commercial establishment

1 that does not have a valid authorization issued or renewed
2 under this chapter or a similar authorization issued or renewed
3 by another state.

4 Sec. 10. NEW SECTION. **162.5A Operation of a boarding kennel**
5 **— state license.**

6 A boarding kennel shall only operate pursuant to a state
7 license issued by the department as provided in section 162.2A.
8 The boarding kennel shall maintain records as required by
9 the department in order for the department to ensure the
10 boarding kennel's compliance with the provisions of this
11 chapter. A boarding kennel shall not purchase a dog or cat
12 from a commercial establishment that does not have a valid
13 authorization issued or renewed under this chapter or a similar
14 authorization issued or renewed by another state.

15 Sec. 11. Section 162.6, Code 2009, is amended by striking
16 the section and inserting in lieu thereof the following:

17 **162.6 Operation of a commercial kennel — state license.**

18 A commercial kennel shall only operate pursuant to a state
19 license issued or renewed by the department as provided in
20 section 162.2A. A commercial kennel shall maintain records
21 as required by the department in order for the department to
22 ensure the commercial kennel's compliance with the provisions
23 of this chapter. A commercial kennel shall not purchase a dog
24 or cat from a commercial establishment that does not have a
25 valid authorization issued or renewed under this chapter or a
26 similar authorization issued or renewed by another state.

27 Sec. 12. Section 162.7, Code 2009, is amended by striking
28 the section and inserting in lieu thereof the following:

29 **162.7 Operation of a dealer — state license or permit.**

30 A dealer shall only operate pursuant to a state license,
31 or a permit, issued or renewed by the department as provided
32 in section 162.2A. A dealer who is a state licensee shall
33 maintain records as required by the department in order for the
34 department to ensure compliance with the provisions of this
35 chapter. A dealer who is a permittee may, but is not required

1 to maintain records. A dealer shall not purchase a dog or cat
2 from a commercial establishment that does not have a valid
3 authorization issued or renewed under this chapter or a similar
4 authorization issued or renewed by another state.

5 Sec. 13. Section 162.8, Code 2009, is amended by striking
6 the section and inserting in lieu thereof the following:

7 **162.8 Operation of a commercial breeder — state license or**
8 **permit.**

9 A commercial breeder shall only operate pursuant to a state
10 license, or a permit, issued or renewed by the department
11 as provided in section 162.2A. A commercial breeder who is
12 a state licensee shall maintain records as required by the
13 department in order for the department to ensure the commercial
14 breeder's compliance with the provisions of this chapter. A
15 commercial breeder who is a permittee may but is not required
16 to maintain records. A commercial breeder shall not purchase a
17 dog or cat from a commercial establishment that does not have a
18 valid authorization issued or renewed under this chapter or a
19 similar authorization issued or renewed by another state.

20 Sec. 14. NEW SECTION. **162.9A Operation of a public auction**
21 **— state license or permit.**

22 A public auction shall only operate pursuant to a state
23 license, or a permit, issued or renewed by the department
24 as provided in section 162.2A. A public auction which is
25 a state licensee shall maintain records as required by the
26 department in order for the department to ensure the public
27 auction's compliance with the provisions of this chapter. A
28 public auction which is a permittee may but is not required to
29 maintain records. A public auction shall not purchase a dog or
30 cat from a commercial establishment that does not have a valid
31 authorization issued or renewed under this chapter or a similar
32 authorization issued or renewed by another state.

33 Sec. 15. NEW SECTION. **162.10A Commercial establishments —**
34 **standard of care.**

35 1. a. A commercial establishment shall provide for a

1 standard of care that ensures that an animal in its possession
2 or under its control is not lacking any of the following:

3 (1) Adequate feed, adequate water, housing facilities,
4 sanitary control, or grooming practices, if such lack causes
5 adverse health or suffering.

6 (2) Veterinary care.

7 b. A commercial establishment, other than a research
8 facility or pet shop, shall provide for the standard of care
9 for dogs and cats in its possession or under its control, and a
10 research facility or pet shop shall provide for the standard of
11 care for invertebrate animals in its possession or under its
12 control.

13 2. a. Except as provided in paragraph "b" or "c", a
14 commercial establishment shall comply with rules that the
15 department adopts to implement subsection 1. A commercial
16 establishment shall be regulated under this paragraph "a"
17 unless the person is a state licensee as provided in paragraph
18 "b" or a permittee as provided in paragraph "c".

19 b. A state licensee who is a commercial breeder owning,
20 breeding, transporting, or keeping a greyhound dog for
21 pari-mutuel wagering at a racetrack as provided in chapter 99D
22 may be required to comply with different rules adopted by the
23 department.

24 c. A permittee is not required to comply with rules that the
25 department adopts to implement a standard of care as provided
26 in subsection 1 for state licensees and registrants. The
27 department may adopt rules regulating a standard of care for
28 a permittee, so long as the rules are not more restrictive
29 than required for a permittee under the Animal Welfare Act.
30 However, the department may adopt prescriptive rules relating
31 to the standard of care. Regardless of whether the department
32 adopts such rules, a permittee meets the standard of care
33 required in subsection 1, if it voluntarily complies with rules
34 applicable to state licensees or registrants. A finding by
35 the United States department of agriculture that a permittee

1 complies with the Animal Welfare Act is not conclusive when
2 determining that the permittee provides a standard of care
3 required in subsection 1.

4 3. A commercial establishment fails to provide for a
5 standard of care as provided in subsection 1, if the commercial
6 establishment commits abuse as described in section 717B.2,
7 neglect as described in section 717B.3, or torture as provided
8 in section 717B.3A.

9 Sec. 16. NEW SECTION. 162.10B Commercial establishments —
10 inspecting state licensees and registrants.

11 The department may inspect the commercial establishment of
12 a registrant or state licensee by entering onto its business
13 premises at any time during normal working hours. The
14 department may inspect records required to be maintained by the
15 state licensee or registrant as provided in this chapter. If
16 the owner or person in charge of the commercial establishment
17 refuses admittance, the department may obtain an administrative
18 search warrant issued under section 808.14.

19 Sec. 17. NEW SECTION. 162.10C Commercial establishments
20 — monitoring permittees.

21 1. The department may monitor the commercial establishment
22 of a permittee by entering onto its business premises at
23 any time during normal working hours. The department shall
24 monitor the commercial establishment for the limited purpose of
25 determining whether the permittee is providing for a standard
26 of care required for permittees under section 162.10A. If
27 the owner or person in charge of the commercial establishment
28 refuses admittance, the department may obtain an administrative
29 search warrant issued under section 808.14.

30 2. In order to enter onto the business premises of a
31 permittee's commercial establishment, the department must have
32 reasonable cause to suspect that the permittee is not providing
33 for the standard of care required for permittees under section
34 162.10A. Reasonable cause must be supported by any of the
35 following:

1 a. An oral or written complaint received by the department
2 by a person. The complainant must provide the complainant's
3 name and address and telephone number. Notwithstanding chapter
4 22, the department's record of a complaint is confidential,
5 unless any of the following apply:

6 (1) The results of the monitoring are used in a contested
7 case proceeding as provided in chapter 17A or in a judicial
8 proceeding.

9 (2) The record is sought in discovery in any administrative,
10 civil, or criminal case.

11 (3) The department's record of a complaint is filed by a
12 person other than an individual.

13 b. A report prepared by a person employed by the United
14 States department of agriculture that requires a permittee to
15 take action necessary to correct a breach of standard of care
16 required of federal licensees by the Animal Welfare Act or of
17 permittees by section 162.10A. The department is not required
18 to dedicate any number of hours to viewing or analyzing such
19 reports.

20 3. When carrying out this section, the department may
21 cooperate with the United States department of agriculture.
22 The department shall report any findings resulting in an
23 enforcement action under section 162.10D to the United States
24 department of agriculture.

25 Sec. 18. NEW SECTION. 162.10D **Commercial establishments**
26 **— disciplinary actions.**

27 1. The department may take disciplinary action against a
28 person by suspending or revoking the person's authorization for
29 violating a provision of this chapter or chapter 717B, or who
30 commits an unlawful practice under section 714.16.

31 2. The department may require that an owner, operator, or
32 employee of a commercial establishment subject to disciplinary
33 action under subsection 1 to complete a continuing education
34 program as a condition for retaining an authorization.

35 This section does not prevent a person from voluntarily

1 participating in a continuing education program.

2 3. The department shall administer the continuing education
3 program by either providing direct instruction or selecting
4 persons to provide such instruction. The department is not
5 required to compensate persons for providing the instruction,
6 and may require attendees to pay reasonable fees necessary to
7 compensate the department providing the instruction or a person
8 selected by the department to provide the instruction. The
9 department shall, to every extent possible, select persons to
10 provide the instruction by consulting with organizations that
11 represent commercial establishments, including but not limited
12 to the Iowa pet breeders association.

13 4. The department shall establish the criteria for a
14 continuing education program which shall include at least three
15 and not more than eight hours of instruction. The department
16 shall provide for the program's beginning and ending dates.
17 However, a person must complete the program in twelve months
18 or less.

19 Sec. 19. Section 162.11, subsections 1 and 3, Code 2009, are
20 amended by striking the subsections.

21 Sec. 20. Section 162.11, subsection 2, Code 2009, is amended
22 by striking the subsection and inserting in lieu thereof the
23 following:

24 2. This chapter does not apply to a federal licensee except
25 as provided in the following:

26 a. Sections 162.1, 162.2, 162.2A, 162.2B, 162.7, 162.8,
27 162.9A, 162.10A, 162.10C, 162.10D, 162.12A, and 162.13.

28 b. Section 162.16 but only to the extent required to
29 implement sections described in paragraph "a".

30 Sec. 21. NEW SECTION. **162.12A Civil penalties.**

31 The department shall establish, impose, and assess civil
32 penalties for violations of this chapter. The department may
33 by rule establish a schedule of civil penalties for violations
34 of this chapter. All civil penalties collected under this
35 section shall be deposited into the general fund of the state.

1 1. *a.* A commercial establishment that operates pursuant
2 to an authorization issued or renewed under this chapter is
3 subject to a civil penalty of not more than five hundred
4 dollars, regardless of the number of animals possessed or
5 controlled by the commercial establishment, for violating this
6 chapter. Except as provided in paragraph "*b*", each day that a
7 violation continues shall be deemed a separate offense.

8 *b.* This paragraph applies to a commercial establishment
9 that violates a standard of care involving housing as provided
10 in section 162.10A. The departmental official who makes
11 a determination that a violation exists shall provide a
12 corrective plan to the commercial establishment describing how
13 the violation will be corrected within a compliance period of
14 not more than fifteen days from the date of approval by the
15 official of the corrective plan. The civil penalty shall not
16 exceed five hundred dollars for the first day of the violation.
17 After that day, the department shall not impose a civil penalty
18 for the violation during the compliance period. The department
19 shall not impose an additional civil penalty, unless the
20 commercial establishment fails to correct the violation by the
21 end of the compliance period. If the commercial establishment
22 fails to correct the violation by the end of the compliance
23 period, each day that the violation continues shall be deemed a
24 separate offense.

25 2. A commercial establishment that does not operate
26 pursuant to an authorization issued or renewed under this
27 chapter is subject to a civil penalty of not more than one
28 thousand dollars, regardless of the number of animals possessed
29 or controlled by the commercial establishment, for violating
30 this chapter. Each day that a violation continues shall be
31 deemed a separate offense.

32 Sec. 22. Section 162.13, Code 2009, is amended to read as
33 follows:

34 **162.13 Penalties Criminal penalties — confiscation.**

35 1. ~~Operation of a pound, animal shelter, pet shop, boarding~~

1 ~~kennel, commercial kennel, research facility, or public~~
 2 ~~auction, or dealing in dogs or cats, or both, either as a~~
 3 ~~dealer or a commercial breeder, without a currently valid~~
 4 ~~license or a certificate of registration is~~ A person who
 5 operates a commercial establishment without an authorization
 6 issued or renewed by the department as required in section
 7 162.2A is guilty of a simple misdemeanor and each day of
 8 operation is a separate offense.

9 2. ~~The failure of any pound, research facility, animal~~
 10 ~~shelter, pet shop, boarding kennel, commercial kennel,~~
 11 ~~commercial breeder, public auction, or dealer, to adequately~~
 12 ~~house, feed, or water dogs, cats, or vertebrate animals in~~
 13 ~~the person's or facility's possession or custody~~ a person
 14 who owns or operates a commercial establishment to meet the
 15 standard of care required in section 162.10A, subsection 1, is
 16 a simple misdemeanor. The animals are subject to seizure and
 17 impoundment and may be sold or destroyed as provided by rules
 18 which shall be adopted by the department pursuant to chapter
 19 17A. The rules shall provide for the destruction of an animal
 20 by a humane method, including by euthanasia.

21 3. ~~The failure of a person who owns or operates a commercial~~
 22 ~~establishment to meet the requirements of this section is~~
 23 ~~also cause for the suspension or revocation or suspension~~
 24 ~~of license or registration after public hearing of the~~
 25 ~~person's authorization as provided in section 162.10D. The~~
 26 ~~commission of an act declared to be an unlawful practice under~~
 27 ~~section 714.16 or prohibited under chapter 717 or 717B, by~~
 28 ~~a person licensed or registered under this chapter is cause~~
 29 ~~for revocation or suspension of the license or registration~~
 30 ~~certificate.~~

31 4. ~~Dogs, cats, and other vertebrates~~ vertebrate
 32 animals upon which euthanasia is permitted by law may be
 33 destroyed by a person subject to this chapter or chapter 169,
 34 by a humane method, including euthanasia, as provided by rules
 35 which shall be adopted by the department pursuant to chapter

1 17A.

2 5. It is unlawful for a dealer to knowingly ship a diseased
3 animal. A dealer violating this paragraph is subject to a
4 fine not exceeding one hundred dollars. Each diseased animal
5 shipped in violation of this paragraph is a separate offense.

6 Sec. 23. Section 162.16, Code 2009, is amended by striking
7 the section and inserting in lieu thereof the following:

8 **162.16 Rules.**

9 The department shall adopt rules and promulgate forms
10 necessary to administer and enforce the provisions of this
11 chapter.

12 Sec. 24. NEW SECTION. 717B.10 **Threatened animal reporting**
13 **by veterinarians.**

14 This section applies to a veterinarian who is licensed or who
15 holds a valid temporary permit to practice veterinary medicine
16 in this state pursuant to chapter 169.

17 1. A veterinarian who is presented with an animal for
18 examination or treatment shall file a threatened animal report
19 if the veterinarian determines that the animal is a threatened
20 animal.

21 2. The department shall establish a system of receiving and
22 filing threatened animal reports, including the promulgation
23 of forms. A threatened animal report shall be in writing in
24 a printed or electronic format as required by the department.
25 The threatened animal report shall include information as
26 required by the department which shall at least include all of
27 the following:

28 a. Information identifying the veterinarian.

29 b. Information identifying the responsible party, including
30 the name and address of the responsible party.

31 c. Information identifying the threatened animal,
32 including by family and species classification, the name and a
33 description of the threatened animal, and any other identifying
34 information accessed from an installed identification device
35 as defined in section 169A.1.

1 *d.* The date that the veterinarian examined or treated the
2 threatened animal.

3 *e.* A summary description of the threatened animal's
4 condition and any required treatment whether or not
5 administered.

6 3. A veterinarian shall use best efforts to complete the
7 threatened animal report, but is not required to conduct an
8 inquiry in order to obtain information solely to complete the
9 report.

10 4. A veterinarian who in good faith files a threatened
11 animal report with the department shall not be criminally or
12 civilly liable, including for damages for acts or omissions
13 in preparing or filing the threatened animal report, or
14 cooperating with the department or a local authority. The good
15 faith of the veterinarian is presumed as a matter of law.

16 5. A veterinarian is not required to file a threatened
17 animal report if any of the following apply:

18 *a.* The veterinarian when examining or treating a threatened
19 animal is any of the following:

20 (1) Employed by the state or local authority.

21 (2) Under contract with state or local authority.

22 (3) Under the supervision of the state or local authority.

23 *b.* The veterinarian is conducting an examination or
24 treatment pursuant to court order.

25 6. The department may forward a threatened animal report
26 to the local authority where the responsible party resides
27 or where the threatened animal is kept. The department may
28 investigate a commercial establishment identified as the
29 responsible party in a threatened animal report.

30 7. The department shall record a veterinarian who fails to
31 file a threatened animal report as required by this section.
32 Prior to recording the veterinarian, the department shall
33 notify the veterinarian of its determination and provide the
34 veterinarian with an opportunity to contest the determination
35 pursuant to chapter 17A. A veterinarian who is recorded and

1 who subsequently fails to file a threatened animal report
2 is guilty of a simple misdemeanor. The department may
3 refer information regarding such failure subsequent to the
4 veterinarian's recording under this subsection to the county
5 attorney in the county where the veterinarian is practicing
6 or to the attorney general who may initiate and carry out
7 the prosecution in cooperation, if possible, with the county
8 attorney.

9 Sec. 25. REPEAL. Sections 162.9, 162.10, and 162.18, Code
10 2009, are repealed.

11 Sec. 26. CURRENT DEPARTMENTAL RULES. This Act does not
12 diminish the authority of the department of agriculture and
13 land stewardship to regulate different types of commercial
14 establishments as provided in 21 IAC ch. 67.

15 Sec. 27. ISSUANCE OF PERMITS. This Act does not require
16 a commercial establishment that has been issued or renewed a
17 certificate of registration to be issued a permit earlier than
18 required in section 162.2A for the renewal of a permit. The
19 person shall hold the certificate of registration in the same
20 manner as a permit pursuant to this Act.

21 Sec. 28. EFFECTIVE UPON ENACTMENT. This Act, being deemed
22 of immediate importance, takes effect upon enactment.

23 EXPLANATION

24 GENERAL. This bill provides for the regulation of
25 commercial establishments that possess or control animals,
26 other than animals used for an agricultural purpose, by the
27 department of agriculture and land stewardship. Under current
28 law an animal shelter, pound, or research facility must obtain
29 a certificate of registration; a pet shop, boarding kennel, or
30 commercial kennel must obtain a state license; and a commercial
31 breeder, dealer, and public auction must obtain a certificate
32 of registration because they are federally licensed. The bill
33 provides that a commercial breeder, dealer, and public auction
34 must obtain a permit instead of a certificate of registration.
35 All of these documents are referred to as authorizations.

1 AUTHORIZATION. The bill provides that a commercial
2 establishment must pay a fee for being issued or renewed an
3 authorization. The bill increases fees required to be paid for
4 the issuance or renewal of an authorization. The bill requires
5 the department to establish different fees for greyhounds kept
6 for racing. It places a restriction upon the department's
7 power to enter onto the premises of a commercial establishment
8 being issued a permit.

9 PURCHASE OF DOGS AND CATS BY UNAUTHORIZED COMMERCIAL
10 ESTABLISHMENTS. The bill prohibits a research facility, pet
11 shop, boarding kennel, commercial kennel, dealer, commercial
12 breeder, or public auction from purchasing a dog or cat from a
13 commercial establishment, that is not authorized in this state
14 or another state.

15 STANDARD OF CARE. The bill requires that commercial
16 establishments must operate pursuant to an authorization and
17 requires registrants and state licensees to maintain records.
18 The bill provides for a general standard of care for all
19 commercial establishments. The commercial establishment must
20 ensure that an animal in its possession or under its control is
21 not lacking adequate feed, adequate water, housing facilities,
22 sanitary control, grooming practices affecting the health of
23 the animal, or veterinary care. A registrant or state licensee
24 must comply with departmental rules, with two exceptions.
25 The department may adopt different rules that apply to state
26 licensees who keep greyhounds for racing. A permittee may meet
27 the standard of care without complying with the departmental
28 rules. It may also fail to meet the standard of care even
29 though it passes a federal inspection. The department may
30 adopt rules implementing a standard of care so long as the
31 rules are not more restrictive than the federal Animal Welfare
32 Act. The bill allows the department to adopt prescriptive
33 rules. A person who commits animal cruelty under Code chapter
34 717B fails to meet the standard of care.

35 ENTERING ONTO THE BUSINESS PREMISES. The bill provides

1 that the department may inspect a registrant or state licensee
2 by entering onto its business premises and may inspect its
3 records. The department may monitor a permittee by entering
4 onto its business premises for the limited purpose of
5 determining whether the permittee is providing for the required
6 standard of care. In order to enter onto the premises of a
7 permittee, the department must have reasonable cause supported
8 by an oral or written complaint or a report filed by the United
9 States department of agriculture. The bill provides for the
10 confidentiality of complaints filed by individuals unless they
11 are relevant to an administrative or court proceeding.

12 DISCIPLINARY ACTIONS. The bill provides that the department
13 may take disciplinary action against a commercial establishment
14 by suspending or revoking the commercial establishment's
15 authorization. The department may require that an owner,
16 operator, or employee of a commercial establishment complete
17 a continuing education program which is supervised by the
18 department but may be administered by a person selected by the
19 department.

20 EXCEPTIONS. The bill eliminates provisions that exempted
21 federal licensees from regulations. It provides that
22 permittees are subject to regulation as expressly provided in
23 the Code chapter.

24 PENALTIES. The bill authorizes the department to establish,
25 impose, and assess civil penalties for violations of the bill's
26 provisions. For an authorized commercial establishment the
27 civil penalty is up to \$500 per each day of a violation. For a
28 housing violation, the civil penalty is assessed for the first
29 day, but not for the subsequent 15 days to allow for correction
30 according to a departmental plan.

31 Generally a person who violates a standard of care is guilty
32 of a simple misdemeanor. The bill provides that a person
33 who operates a commercial establishment without obtaining an
34 authorization is guilty of a simple misdemeanor. A simple
35 misdemeanor is punishable by confinement for no more than 30

1 days or a fine of at least \$65 but not more than \$625 or by
2 both.

3 RULES. The bill authorizes the department to adopt rules
4 necessary to administer and enforce the provisions of the bill
5 amending Code chapter 162. It eliminates a provision that
6 provides the department cannot adopt rules more stringent than
7 federal regulations.

8 CURRENT DEPARTMENTAL RULES. The bill provides that it
9 does not diminish the authority of the department to regulate
10 different types of commercial establishments as provided in its
11 rules.

12 MANDATORY REPORTING BY VETERINARIANS. The bill provides
13 that a veterinarian who is licensed or who holds a valid
14 temporary permit to practice veterinary medicine under Code
15 chapter 169 must file a report with the department if the
16 veterinarian determines that an animal other than livestock is
17 threatened by neglect, abuse, or cruelty as those offenses are
18 defined in Code chapter 717B. The bill provides for procedures
19 required to file a report. The department may forward the
20 report to a local authority for enforcement. There is no
21 penalty for a veterinarian who on the first occasion fails to
22 file a report. The bill shields a veterinarian who files a
23 report with the department in good faith from criminal or civil
24 liability. A veterinarian who subsequently fails to file a
25 report after the department provides the veterinarian a warning
26 for the first offense is guilty of a simple misdemeanor.

27 A simple misdemeanor is punishable by confinement for no
28 more than 30 days and a fine of at least \$65 but not more than
29 \$625 or both.

30 EFFECTIVE DATE. The bill takes effect upon enactment.